

JBP 510

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7/16/01

**IN THE UNITED STATES PATENT OFFICE**

Applicants: Miri Seiberg, et al.

Serial No.: 09/621,565 Art Unit: 1615

Filed: July 21, 2000 Examiner: B. Seidleck

For: **REGULATING HAIR GROWTH, HAIR FOLLICLE AND HAIR SHAFT SIZE AND HAIR PIGMENTATION**

I hereby certify that this correspondence is being filed via telefacsimile  
 To telephone No. (703) 308-4556 and addressed to:  
 Commissioner of Patents, Washington, DC 20231 on

July 16, 2001

(Date of Deposit)

Andrea L. Colby

(Name of applicant, assignee, or Registered Representative)

*Andrea L. Colby*

(Signature)

July 16, 2001

(Date of Signature)

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Commissioner of Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

70. This Response to Restriction Requirement is respectfully submitted in response to the Office Action dated June 15, 2001. It is timely in view of the fact that July 15, 2001 fell on a Sunday.

The Office Action of June 15, 2001 required restriction of the claims under 35 U.S.C. 121 to one of the following groups:

- I. Claims 1-22, drawn to multiple methods effecting hair, classified in class 514, subclass 880.
- II. Claims 23-52, drawn to compositions comprising botanical extracts, classified in class 424, subclass 725.

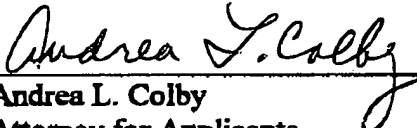
Applicants respectfully request reconsideration of the foregoing requirement on the basis that including them in the same applications would pose no undue burden upon the Patent Office in searching and prosecuting the application. However, applicants provisionally elect the claims of Group I (claims 1-22) to prosecute in the above-identified patent application in the event that the restriction requirement is made final.

The Office Action of June 15, 2001 further noted that the application contains claims directed to "the following patentably distinct species of the claims invention: Group I consists of two groups: (1) modulating hair growth, hair follicle or hair shaft size; and (2) modulating hair pigmentation." The Office Action required applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants respectfully request reconsideration of this requirement, however, they provisionally elect the species of sub-group (1), i.e., the species relating to modulating hair growth, hair follicle or hair shaft size, for prosecution in the above-captioned patent application in the event that this requirement is made final. Applicants respectfully submit that claims 1-22 read upon the elected species.

In view of the foregoing discussion, applicants respectfully request consideration of the claims. An early allowance is earnestly solicited.

Respectfully submitted,

  
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July 16, 2001

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TO: EXAMINER BRIAN SEIDLECK	FROM: ANDREA COLBY
FAX NUMBER: (703) 308-4556	DATE: JULY 16, 2001
COMPANY: UNITED STATES PATENT AND TRADEMARK OFFICE	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: (703) 305-4448	SENDER'S REFERENCE NUMBER: JBP 510
RE: RESPONSE TO OFFICE ACTION OF 6/15/2001	YOUR REFERENCE NUMBER: 09/621,565

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URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Enclose please find a Response to Restriction Requirement dated July 16, 2001 in response to the Office Action of June 15, 2001 rendered in Patent Application Serial No. 09/621,565.

Respectfully submitted,

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